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ARIZONA ATTORNEY GENERAL

August 23, 1949

Wilson
Harry M. Whitmer, Secretary
Arizona State Hospital Board
Arizona State Hospital
2500 East Van Buren
Phoenix, Arizona

Dear Mr. Whitmer:

We are in receipt of your letter of August 16, 1949, wherein you ask for an opinion as to the legality of the State Hospital using its funds to rent suitable houses for doctors on the State Hospital Medical Staff. Your letter goes on to state that the staff is being increased to such an extent that there are no longer suitable living quarters for doctors, though it is planned to erect sufficient cottages as soon as possible.

Section 8-214 ACA 1939, as added by Laws 1941, Chapter 44, (see 1947 Supplement) concerns "employees" (they being defined in Section 8-204 as "any officer or employee of the State Hospital") and subsection (c) provides:

"Suitable living quarters and board shall be furnished the superintendent and his family, and such other employees as the board may direct."
(Emphasis supplied)

This language, in our opinion, clearly gives to the State Hospital Board the right to take the contemplated action, and we find no statute or rule of law which would prohibit the exercise of such power. The power to provide suitable living quarters for the Superintendent and such other employees as the board may direct reasonably carries with it the implied power to make such financial arrangements as are necessary and proper to carry into effect

the express power granted. The board also has the power to adopt rules and regulations for the administration of the State Hospital and to carry out the purpose of the Act. Section 8-215, subsection 7, ACA 1939, as added by Laws 1941, Chapter 44 (see 1947 supplement).

The board, of course, is cognizant of the financial limitation placed upon it, i.e., it cannot create any debts or obligations in excess of the amount appropriated by the legislature in carrying out the provisions of the Act. Section 8-218 (a) ACA 1939, as added by Laws 1941 and amended (see 1947 Supplement). Also see subsection (b).

We trust this is sufficient answer to your inquiry.

Very truly yours,

FRED O. WILSON
Attorney General

RICHARD C. BRINEY
Assistant Attorney General

RCB/bf